

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

11 CIV 0296

SEE ATTACHED CAPTION

Plaintiff

v.

Defendant

Civil Action No.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED. 4/26/11

PRO SE OFFICER

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) EXENET LLC, EXENET HOLDINGS LLC, EXENET TECHNOLOGIES, INC.,
COMGROUP HOLDING LLC (a/k/a COMGROUP EAST), ALPHASERVE
TECHNOLOGIES and ROBERT KESSLER, 104 West 27th Street, New York, NY
10001; BEDROC PARTNERS, LLC, DAVID GENTILE and BERNARD PISMENY,
159 Northern Blvd., Great Neck, NY 11021

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: JAN 14 2011

RUBY J. KRAJICK
CLERK OF COURT

[Signature]

Signature of Clerk or Deputy Clerk

ATTACHMENT TO SUMMONS IN ESPOSITO v. EXENET LLC, et al.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DEBORAH SUSS ESPOSITO,

Plaintiff

v.

EXENET LLC, EXENET HOLDINGS LLC,
EXENET TECHNOLOGIES, INC., BEDROC
PARTNERS, LLC, COMGROUP HOLDING LLC
(a/k/a COMGROUP EAST), ALPHASERVE
TECHNOLOGIES, DAVID GENTILE, BERNARD
PISMENY AND ROBERT KESSLER,

Defendants.

-----X

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**AFFIDAVIT OF SERVICE THROUGH
THE SECRETARY OF STATE, NEW YORK**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
DEBORAH SUSS ESPOSITO,

Plaintiff,

Index No. 11 CIV 0296

Dated: 1/14/11

-against-

EXENET LLC, EXENET HOLDINGS LLC,
EXENET TECHNOLOGIES, INC., BEDROC
PARTNERS, LLC, COMGROUP HOLDING LLC
(a/k/a COMGROUP EAST), ALPHASERVE
TECHNOLOGIES, DAVID GENTILE, BERNARD
PISMENY AND ROBERT KESSLER,

Defendants.

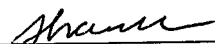
STATE OF NEW YORK
COUNTY OF ALBANY] ss.:

Sharon Babala, being duly sworn, deposes and says that she is over eighteen years of age, that on the 5th day of April 2011, at the Department of State in the City of Albany, New York, she served the annexed Complaint with Jury Demand upon **EXENET LLC** by delivering to and leaving with Tammy Alexander, a Data Entry Machine Operator, in the Office of the New York Department of State two (2) copies thereof and that at the time of making such service, deponent paid Secretary of State a fee of \$40.00. That said service was made pursuant to Section 303 of the Limited Liability Company Law.

Deponent further says that she knew the person so served as aforesaid to be a Data Entry Machine Operator at the New York State Department of State, duly authorized to accept such service on behalf of said defendant.

Deponent further states that she describes the person actually served as follows:

Sex	Skin Color	Hair Color	Approx. Age	Approx. Height	Approx. Weight
Female	Black	Black	33yrs.	5'7"	130lbs.


Sharon Babala

Sworn to before me this 14 day of APRIL, 2011



ARLENE D. WOLBERT
Notary Public, State of New York
No. 01WO6073045
Qualified in Albany County
Commission Expires April 29, 20 14

State of New York - Department of State
Receipt for Service

Receipt #: 201104120253 Cash #: 201104120245
 Date of Service: 04/05/2011 Fee Paid: \$40 - DRAWDOWN
 Service Company: 39 BLUMBERG/EXCELSIOR CORPORATE SERVICES -

Service was directed to be made pursuant to: SECTION 303 OF THE LIMITED
 LIABILITY COMPANY LAW

Party Served: EXENET LLC

Plaintiff/Petitioner:
 ESPOSITO, DEBORAH SUSS

Service of Process Address:
 EXENET LLC
 14 BOND STREET STE 149
 GREAT NECK, NY 11021

Secretary of State
 By TAMMY ALEXANDER

EXENET LLC, EXENET HOLDINGS LLC, et al.,

Defendant(s)

(AND COMPLAINT)
 IN A CIVIL ACTION

NEW JERSEY
 STATE OF NEW YORK COUNTY OF PASSAIC

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at WAYNE, NEW JERSEY

That on 4/06/11 at 8:29AM., at 104 WEST 27TH STREET, NEW YORK, NEW YORK
 deponent served the within summons, and complaint on EXENET HOLDINGS, LLC defendant therein named,
 IN A CIVIL ACTION

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as
 1. ☐ said defendant therein. REFUSED TRUE NAME

CORPORATION a DOMESTIC corporation, by delivering thereat a true copy of each to MR "V"
 2. ☒ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and
 knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age
 3. ☐ and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—
 4. ☐ usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age
 and discretion thereat, having called there

MAILING TO RESIDENCE Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to
 USE WITH 3 OR 4 defendant at defendant's last known residence, at and deposited
 5A. ☐ said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly
 USE WITH 3 OR 4 addressed to defendant at defendant's actual place of business, at
 5B. ☐ in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore
 the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the
 communication was from an attorney or concerned an action against the defendant.

DESCRIPTION ☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs ☐ Under 5' ☐ Under 100 lbs

**AFFIDAVIT OF SERVICE THROUGH
THE SECRETARY OF STATE, NEW YORK**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
DEBORAH SUSS ESPOSITO,

Plaintiff,

Index No. 11 CIV 0296

Dated: 1/14/11

-against-

EXENET LLC, EXENET HOLDINGS LLC,
EXENET TECHNOLOGIES, INC., BEDROC
PARTNERS, LLC, COMGROUP HOLDING LLC
(a/k/a COMGROUP EAST), ALPHASERVE
TECHNOLOGIES, DAVID GENTILE, BERNARD
PISMENY AND ROBERT KESSLER,

Defendants.

STATE OF NEW YORK
COUNTY OF ALBANY

] ss.:

Sharon Babala, being duly sworn, deposes and says that she is over eighteen years of age, that on the 5th day of April 2011, at the Department of State in the City of Albany, New York, she served the annexed Complaint with Jury Demand upon **EXENET TECHNOLOGIES, INC.** by delivering to and leaving with Tammy Alexander, a Data Entry Machine Operator, in the Office of the New York Department of State two (2) copies thereof and that at the time of making such service, deponent paid Secretary of State a fee of \$40.00. That said service was made pursuant to Section 306 of the Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be a Data Entry Machine Operator at the New York State Department of State, duly authorized to accept such service on behalf of said defendant.

Deponent further states that she describes the person actually served as follows:

Sex	Skin Color	Hair Color	Approx. Age	Approx. Height	Approx. Weight
Female	Black	Black	33yrs.	5'7"	130lbs.


Sharon Babala

Sworn to before me this 14 day of APRIL, 2011



ARLENE D. WOLBERT
Notary Public, State of New York
No. 01WO6073045
Qualified in Albany County
Commission Expires April 29, 20 14

State of New York - Department of State
Receipt for Service

Receipt #: 201104120256
Date of Service: 04/05/2011
Service Company: 39 BLUMBERG/EXCELSIOR CORPORATE SERVICES -

Cash #: 201104120247
Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS
CORPORATION LAW

Party Served: EXENET TECHNOLOGIES, INC.

Plaintiff/Petitioner:
ESPOSITO, DEBORAH SUSS

Service of Process Address:
EXENET TECHNOLOGIES, INC.
C/O SOHEIL NEGAHBANI
15 EAST 26TH STREET
NEW YORK, NY 10010

Secretary of State
By TAMMY ALEXANDER

**AFFIDAVIT OF SERVICE THROUGH
THE SECRETARY OF STATE, NEW YORK**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
DEBORAH SUSS ESPOSITO,

Plaintiff,

Index No. 11 CIV 0296

Dated: 1/14/11

-against-

EXENET LLC, EXENET HOLDINGS LLC,
EXENET TECHNOLOGIES, INC., BEDROC
PARTNERS, LLC, COMGROUP HOLDING LLC
(a/k/a COMGROUP EAST), ALPHASERVE
TECHNOLOGIES, DAVID GENTILE, BERNARD
PISMENY AND ROBERT KESSLER,

Defendants.

STATE OF NEW YORK
COUNTY OF ALBANY

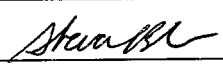
] ss.:

Sharon Babala, being duly sworn, deposes and says that she is over eighteen years of age, that on the 5th day of April 2011, at the Department of State in the City of Albany, New York, she served the annexed Complaint with Jury Demand upon **BEDROC PARTNERS, LLC** by delivering to and leaving with Tammy Alexander, a Data Entry Machine Operator, in the Office of the New York Department of State two (2) copies thereof and that at the time of making such service, deponent paid Secretary of State a fee of \$40.00. That said service was made pursuant to Section 303 of the Limited Liability Company Law.

Deponent further says that she knew the person so served as aforesaid to be a Data Entry Machine Operator at the New York State Department of State, duly authorized to accept such service on behalf of said defendant.

Deponent further states that she describes the person actually served as follows:

Sex	Skin Color	Hair Color	Approx. Age	Approx. Height	Approx. Weight
Female	Black	Black	33yrs.	5'7"	130lbs.


Sharon Babala

Sworn to before me this 14 day of APRIL, 2011



ARLENE D. WOLBERT
Notary Public, State of New York
No. 01WO6073045
Qualified in Albany County
Commission Expires April 29, 2014

State of New York - Department of State
Receipt for Service

Receipt #: 201104120265
Date of Service: 04/05/2011
Service Company: 39 BLUMBERG/EXCELSIOR CORPORATE SERVICES -

Cash #: 201104120256
Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 303 OF THE LIMITED
LIABILITY COMPANY LAW

Party Served: BEDROC PARTNERS, LLC

Plaintiff/Petitioner:
ESPOSITO, DEBORAH SUSS

Service of Process Address:
C/O DAVID GENTILE
159 NORTHERN BLVD
GREAT NECK, NY 11021

Secretary of State
By TAMMY ALEXANDER

**AFFIDAVIT OF SERVICE THROUGH
THE SECRETARY OF STATE, NEW YORK**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
DEBORAH SUSS ESPOSITO,

Plaintiff,

Index No. 11 CIV 0296

Dated: 1/14/11

-against-

EXENET LLC, EXENET HOLDINGS LLC,
EXENET TECHNOLOGIES, INC., BEDROC
PARTNERS, LLC, COMGROUP HOLDING LLC
(a/k/a COMGROUP EAST), ALPHASERVE
TECHNOLOGIES, DAVID GENTILE, BERNARD
PISMENY AND ROBERT KESSLER,

Defendants.

STATE OF NEW YORK
COUNTY OF ALBANY

] ss.:

Sharon Babala, being duly sworn, deposes and says that she is over eighteen years of age, that on the 5th day of April 2011, at the Department of State in the City of Albany, New York, she served the annexed Complaint with Jury Demand upon **COMGROUP HOLDING LLC** by delivering to and leaving with Tammy Alexander, a Data Entry Machine Operator, in the Office of the New York Department of State two (2) copies thereof and that at the time of making such service, deponent paid Secretary of State a fee of \$40.00. That said service was made pursuant to Section 303 of the Limited Liability Company Law.

Deponent further says that she knew the person so served as aforesaid to be a Data Entry Machine Operator at the New York State Department of State, duly authorized to accept such service on behalf of said defendant.

Deponent further states that she describes the person actually served as follows:

Sex	Skin Color	Hair Color	Approx. Age	Approx. Height	Approx. Weight
Female	Black	Black	33yrs.	5'7"	130lbs.


Sharon Babala

Sworn to before me this 14 day of APRIL, 2011



ARLENE D. WOLBERT
Notary Public, State of New York
No. 01WO6073045
Qualified in Albany County
Commission Expires April 29, 20 14

B 151- Affidavit of Service of Summons or Subpoena: Personal or Alternative
Methods: Corp. or Ind.: Military Service, 10 pt. type, 1-95

UNITED STATES DISTRICT COURT

~~COUNTY~~

FOR THE

SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

Index No. 11 CIV 0296

DEBORAH SUSS ESPOSITO,

Plaintiff(s)

against

EXENET LLC, EXENET HOLDINGS LLC, et al.,

Defendant(s)

AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)
IN A CIVIL ACTIONNEW JERSEY
STATE OF NEW YORK, COUNTY OF PASSAIC

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at WAYNE, NEW JERSEY

That on 4/06/11

at 8:29AM., at 104 WEST 27TH STREET, NEW YORK, NEW YORK

deponent served the within summons, and complaint on ALPHASERVE TECHNOLOGIES

defendant therein named,

IN A CIVIL ACTION

INDIVIDUAL

1. ☐by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as
said defendant therein. REFUSED TRUE NAME

CORPORATION

2. ☒a DOMESTIC corporation, by delivering thereat a true copy of each to MR "V"
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and
knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON

3. ☐by delivering thereat a true copy of each to a person of suitable age
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age
and discretion thereat, having called thereMAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to
defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly
addressed to defendant at defendant's actual place of business, atin an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the
communication was from an attorney or concerned an action against the defendant.DESCRIPTION
USE WITH
1, 2, OR 3☒

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input checked="" type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.☐The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).MILITARY
SERVICE☐I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any
capacity whatever and received a negative reply. Recipient wore *ordinary civilian clothes and no military uniform*. The source of
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either
the State or in the Federal statutes.

Sworn to before me on

4/08/11

NADINE PASERCHIA

NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES 12/27/2014

PRINT NAME BENEATH SIGNATURE

PETER FELDMAN

License No. 797824

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index # 11 CIV 0296

DEBORAH SUSS ESPOSITO

Plaintiff/Petitioner

AFFIDAVIT OF
SERVICE

against

EXENET LLC, et al.

Defendant/Respondent

STATE OF NEW YORK, COUNTY OF QUEENS ss:

ROBERT URENA, the undersigned, being duly sworn, deposes and says;

Deponent is not a party herein, is over 18 years of age and resides in the STATE OF NEW YORK
That on APRIL 7th, 2011 at 11:20 AM, at 159 NORTHERN BOULEVARD, GREAT NECK, NY 11021
Deponent served the within -- SUMMONS IN A CIVIL ACTION and COMPLAINT WITH JURY DEMAND

☒ Said papers served had endorsed thereon index # and date of filing

On DAVID GENTILE

Individual

☐

by delivering a true copy of each to said defendant personally, deponent knew the person so served to be the person described as said defendant therein.

Corporation

☐by delivering thereat a true copy of each to .
Said individual stated she/he is a managing/authorized agent of the corporation, thereof, authorized to accept legal process.Suitable
Age Person☒by delivering there a true copy of each to LOIS MIRKOWSKI (Co-worker) a person of suitable age and discretion.
Said premises is recipient's ☐ Home ☒ Business Address, within the state.
Person spoken to, verified that defendant actually resides/is employed at these premises.Affixing
To Door☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ Home ☐ Business Address
---within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age
and discretion thereat, having called there: Address Confirmed by

Mailing

☒On 4-08-11, deponent completed service by depositing a true copy of each document to the above address in a 1st Class post paid properly
addressed envelope marked "Personal & Confidential" in an official depository under the exclusive care and custody of the
United States Post Office.
Certified Mail Number (If Required):

Description

☒Gender FEMALE Color of skin WHITE Color of Hair BROWN Facial Hair NO Glasses YES
Approximate age 40-50 Approximate height 5'0-5'5 Approximate weight 100-110
Other identifying features:

Fees

☐

At the time of said service, deponent paid (tendered) in advance \$, the authorized witness fee and/or traveling expenses to the recipient.

Military

☒In response to my questions said person told me that the Defendant was not in the military service
or financially dependant upon anyone who is in the military service of the United States of America or of the State of New York in any capacity.
From the facts above set forth, I am convinced that the said defendant is not in the military service at the present time.Sworn to before me on
APRIL 8th, 2011JEANETTE RODRIGUEZ
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01RO6181572
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES 02/04/2012

Notary Public

ROBERT URENA
License Number 1263889

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index # 11 CIV 0296

DEBORAH SUSS ESPOSITO*Plaintiff/Petitioner***AFFIDAVIT OF
SERVICE***against***EXENET LLC, et al.***Defendant/Respondent*

STATE OF NEW YORK, COUNTY OF QUEENS ss:

ROBERT URENA, the undersigned, being duly sworn, deposes and says;Deponent is not a party herein, is over 18 years of age and resides in the **STATE OF NEW YORK**That on **APRIL 7th, 2011** at **11:20 AM**, at **159 NORTHERN BOULEVARD, GREAT NECK, NY 11021**Deponent served the within -- **SUMMONS IN A CIVIL ACTION and COMPLAINT WITH JURY DEMAND**☒ Said papers served had endorsed thereon index # and date of filingOn **BERNARD PISMENY****Individual**☐

by delivering a true copy of each to said defendant personally, deponent knew the person so served to be the person described as said defendant therein.

Corporation☐

by delivering thereat a true copy of each to .

Said individual stated she/he is a managing/authorized agent of the corporation, thereof, authorized to accept legal process.

**Suitable
Age Person**☒by delivering there a true copy of each to **LOIS MIRKOWSKI (Co-worker)** a person of suitable age and discretion.Said premises is recipient's ☐ Home ☒ Business Address, within the state.

Person spoken to, verified that defendant actually resides/is employed at these premises.

**Affixing
To Door**☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ Home ☐ Business Address

---within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age

and discretion thereat, having called there: Address Confirmed by

Mailing☒On **4-08-11**, deponent completed service by depositing a true copy of each document to the above address in a 1st Class post paid properly addressed envelope marked "**Personal & Confidential**" in an official depository under the exclusive care and custody of the United States Post Office.

Certified Mail Number (If Required):

Description☒Gender **FEMALE** Color of skin **WHITE** Color of Hair **BROWN** Facial Hair **NO** Glasses **YES**Approximate age **40-50** Approximate height **5'0-5'5** Approximate weight **100-110**

Other identifying features:

Fees☐

At the time of said service, deponent paid (tendered) in advance \$, the authorized witness fee and/or traveling expenses to the recipient.

Military☒

In response to my questions said person told me that the Defendant was not in the military service or financially dependant upon anyone who is in the military service of the United States of America or of the State of New York in any capacity. From the facts above set forth, I am convinced that the said defendant is not in the military service at the present time.

Sworn to before me on
APRIL 8th, 2011JEANETTE RODRIGUEZ
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01RO6181572
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES 02/04/2012

Notary Public

ROBERT URENA
License Number 1263889

B-151—Affidavit of Service of Summons or Subpoena: Personal or Alternative
Methods: Corp. or Ind.: Military Service, 10 pt. type, 1-95Blumberg
Law ProductsUNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK~~CONFIDENTIAL~~

DEBORAH SUSS ESPOSITO,

Plaintiff(s)

against

EXENET LLC, EXENET HOLDINGS LLC, et al.,

Defendant(s)

Index No. 11 CIV 0296

AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)
IN A CIVIL ACTIONNEW JERSEY
STATE OF NEW YORK, COUNTY OF PASSAIC

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at WAYNE, NEW JERSEY

That on 4/06/11 at 8:29AM., at 104 WEST 27TH STREET, NEW YORK, NEW YORK

deponent served the within summons, and complaint on ROBERT KESSLER

defendant therein named,

IN A CIVIL ACTION

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof. REFUSED TRUE NAME

SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to MR "V"—CO-WORKER a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

(MAILED 4/06/11)

MAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at 104 W 27TH ST., NEW YORK, N.Y.

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3☒

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input checked="" type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
4/08/11NADINE PASERCHIA
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES 12/27/2014PETER FELDMAN
License No. 797824

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.